

CS Doc 2 1911

**HARVARD COLLEGE
LIBRARY**



**GIFT OF THE
GOVERNMENT
OF THE UNITED STATES**

7
US Doc 2.78

PROBLEMS ARISING IN CASES OF DENATURALIZA-
TION AND DEPORTATION OF COMMUNISTS
(Greater Pittsburgh Area—Part 3)

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-SIXTH CONGRESS
FIRST SESSION

MARCH 12, 1959
(INCLUDING INDEX)

Printed for the use of the Committee on Un-American Activities

HARVARD COLLEGE LIBRARY
DEPOSITED BY THE
UNITED STATES GOVERNMENT

JUN 13 1959



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1959

COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

FRANCIS E. WALTER, Pennsylvania, *Chairman*

MORGAN M. MOULDER, Missouri

CLYDE DOYLE, California

EDWIN E. WILLIS, Louisiana

WILLIAM M. TUCK, Virginia

DONALD L. JACKSON, California

GORDON H. SCHERER, Ohio

WILLIAM E. MILLER, New York

AUGUST E. JOHANSEN, Michigan

RICHARD ARENS, *Staff Director*

C O N T E N T S

	Page
Synopsis.....	461
March 12, 1959: Testimony of—	
Anna Devunich.....	468
Stephen Devunich.....	470
Vincent Kemenovich.....	473
Katherine Kemenovich.....	478
Mary Golden (resumed).....	480
Katherine Kemenovich (resumed).....	481
Alex Roth Rakosi.....	482
James Allan Donald McNeil.....	487
Afternoon session:	
Anna Devunich (resumed).....	490
Stephen Devunich (resumed).....	497
Steve Nelson.....	502
Index.....	i

PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

18. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation; the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 86TH CONGRESS

House Resolution 7, January 7, 1959

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

18. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

PROBLEMS ARISING IN CASES OF DENATURALIZATION AND DEPORTATION OF COMMUNISTS

(GREATER PITTSBURGH AREA—PART 3)

Problems arising in cases of denaturalization and deportation of Communists were considered during the third phase of a three-day public hearing held in Pittsburgh, Pennsylvania, March 10, 11, and 12, 1959.¹

In pointing up the issues in the third phase of the hearings, the chairman of the subcommittee, Honorable Edwin E. Willis, stated:

The Committee on Un-American Activities has maintained a continuing interest in the administration and enforcement of our immigration and naturalization laws because they are a first line of defense against Communist penetration of our society. Since the enactment of the Immigration and Nationality Act in 1952, there have been a number of serious problems develop as the result of certain judicial opinions interpreting the act.

It is not my purpose here to criticize the opinions or the Court which rendered them. However, in order that we may attempt to cope with the problems which do now exist in the enforcement of those provisions of the Immigration and Nationality Act designed to denaturalize and deport Communists, I shall now recite for the record the essence of some of these judicial opinions; and we shall then undertake to explore factual situations in actual cases in which there have been either deportation or denaturalization proceedings arising in, or having bearing on, cases in the Pittsburgh area.

On December 9, 1957, the Supreme Court rendered a decision in the case of *Roualdt v. Perfetto*, 355 U.S. 115. In this case the Court held that where the Department of Justice was attempting to deport a Communist alien, proof of the alien's membership in the Communist Party was not sufficient to sustain the order of deportation; that the Department of Justice had to prove that the alien had "a meaningful association" with the Communist Party.

In the case of the *United States v. Witkovich*, 353 U.S. 194, decided on April 29, 1957, the Supreme Court interpreted that part of the Immigration and Nationality Act

¹ For the other two phases of the hearings see "Current Strategy and Tactics of Communists in the United States (Greater Pittsburgh Area—Part 1)," March 10, 1959, and "Problems of Security in Industrial Establishments Holding Defense Contracts (Greater Pittsburgh Area—Part 2)," March 11, 1959.

which requires that an alien against whom a deportation order has been outstanding for more than 6 months "give information under oath as to his nationality, circumstances, habits, associations and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper." In this case, by a 6 to 2 decision, the Court held that an alien against whom a deportation order had been outstanding for more than 6 months could not be required to answer questions respecting his present Communist relationships or activities, and that he could only be required to answer questions regarding his availability for deportation.

May I say in connection with the problem which is presented by the Witkovich case that it is the information of the committee that it is becoming increasingly difficult to effect the deportation of alien Communists because the Iron Curtain countries from which such alien Communists have come to the United States almost uniformly refuse to issue necessary travel documents pursuant to which they can be admitted into the countries from which they came.

Turning to the problems of denaturalizing Communists, I should like to refer to two judicial opinions. Here again I want to emphasize that I am not criticizing the opinions or the Court, but I am merely pointing out the issues and problems which exist as a result of the opinions, and I am doing so for the purpose of clarifying our record here today as we enter this third phase of our hearings in an attempt to explore factual situations for our legislative purposes.

In the cases of *Nowak v. United States*, 356 U.S. 660, and *Maisenberg v. United States*, 356 U.S. 670, both decided on May 26, 1958, the Court ruled that for the purposes of denaturalizing a Communist who had obtained citizenship while a member of the Communist Party, the Government must not only show that the person against whom the denaturalization procedures were brought was a member of the Communist Party and that the Communist Party advocates the violent overthrow of the Government, but that, in addition, the Government must prove that the defendant knew that the Communist Party engaged in such illegal advocacy. The decision in the Nowak case was another split decision of which the Maisenberg case was a companion.

Vincent Kemenovich, Trafford, Pennsylvania, who had been identified by responsible witnesses under oath as a member of the Communist Party and against whom, since January 14, 1952, there has been an outstanding final order of deportation as an alien Communist, invoked constitutional privileges in response to questions respecting Communist Party membership and activities. It is the information of the committee that Mr. Kemenovich's deportation as an alien Communist has not been effected because of difficulty in procuring travel documents for his admission into the Iron Curtain country from which he came.

Mrs. Katherine Kemenovich, Trafford, Pa., the wife of Vincent Kemenovich, testified that she was born in Austria-Hungary (now

Yugoslavia); that she came to the United States for permanent residence in 1921; and that she was naturalized in Steubenville, Ohio, in 1941. In 1954, the Immigration and Naturalization Service instituted proceedings to revoke Mrs. Kemenovich's citizenship, alleging that it was procured illegally in that she concealed at the time of her naturalization the fact that she was then a member of the Communist Party.

The Supreme Court of the United States having held that Section 340(a) of the Immigration and Nationality Act of 1952 makes the filing of an "affidavit showing good cause" a prerequisite to maintenance of a denaturalization case, *United States v. Zucca*, 1956, 351 U.S. 91, the Katherine Kemenovich case was dismissed without prejudice, there having been a failure to file such an affidavit. Before the proceeding could be reinstituted, the decisions of the Supreme Court of the United States came down in the Nowak and Maisenberg cases. Due to the problem of proving knowledge on the part of Mrs. Kemenovich that the Communist Party advocated the overthrow of the Government by force and violence at the time of her naturalization as required by the decisions in those cases, the proceeding was not reinstituted.

In the course of the instant hearings, Mrs. Mary Golden, who had served as an undercover agent of the Federal Bureau of Investigation in the Communist Party, identified Mrs. Kemenovich as a member of the Communist Party and testified respecting her current Communist Party activities.

Mrs. Kemenovich invoked constitutional privileges in response to questions concerning her Communist Party membership and activities and whether she was cognizant at the time of her naturalization of the fact that the Communist Party advocated the overthrow of the Government by force and violence.

Alex Roth Rakosi, Irwin, Pennsylvania, against whom denaturalization proceedings were instituted on the ground that he had concealed his membership in the Communist Party at the time of his naturalization, invoked the privilege of the fifth amendment against self-incrimination in response to all questions respecting his Communist Party membership and activities. In the course of the instant hearings, Mrs. Mary Golden identified Rakosi as a member of the Communist Party and testified respecting Rakosi's current Communist Party activities.

James Allan Donald McNeil, Pittsburgh, Pennsylvania, against whom deportation proceedings have been pending since 1952 as an alien Communist, requested a continuance of his appearance in the instant hearings on the ground that the deportation proceedings had not been finally determined. He was accordingly excused from further testimony.

Mrs. Anna Devunich, Pittsburgh, Pennsylvania, a naturalized citizen, who was identified in the instant hearings by Mrs. Mary Golden as a member of the Communist Party and who was confronted in the instant hearings with numerous exhibits of Communist Party activities, invoked the privilege of the fifth amendment against self-incrimination in response to all questions respecting her Communist Party membership and activities.

Stephen Devunich, the husband of Anna Devunich, a naturalized citizen, invoked the privilege of the fifth amendment against self-incrimination with respect to all questions in regard to his Communist Party membership and activities. Mrs. Mary Golden testified in the instant hearings respecting Devunich's Communist Party membership and activities.

Steve Nelson, whose record of Communist activity in the United States is notorious and who is a naturalized citizen, invoked the privilege of the fifth amendment against self-incrimination with respect to his knowledge of the nature of the Communist Party at the time of his naturalization. Although both Hamp and Mary Golden, in the instant hearings, testified respecting current Communist Party membership and activities of Steve Nelson, he invoked the privilege of the fifth amendment against self-incrimination when interrogated respecting such membership and activities.

Denaturalization proceedings were also instituted against Alex Roth Rakosi, Anna Devunich, Stephen Devunich, and Steve Nelson, all of which were dismissed without prejudice for the same reason that the Katherine Kemenovich case was dismissed, and proceedings were not reinstituted for the same reason that the Kemenovich case was not reinstituted.

PROBLEMS ARISING IN CASES OF DENATURALIZATION AND DEPORTATION OF COMMUNISTS (Greater Pittsburgh Area—Part 3)

THURSDAY, MARCH 12, 1959

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Pittsburgh, Pa.

PUBLIC HEARINGS ¹

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10 a.m., in courtroom No. 6, New Federal Building, Pittsburgh, Pa.

Subcommittee members present: Representatives Edwin E. Willis, of Louisiana (presiding), and William M. Tuck, of Virginia.

Staff members present: Richard Arens, staff director; George C. Williams and William Margetich, investigators.

Mr. WILLIS. The subcommittee will please come to order.

We now come to the third phase of the hearings, namely, problems arising in cases of denaturalizations and deportations of Communists, of which cases a substantial number have occurred in this district.

That the international Communist conspiracy has directed its efforts toward undermining our immigration and naturalization system is evident from a few facts:

Beginning in 1922 the Communist International in Moscow established an organization known as the International Red Aid, with three purposes: First, the international movement and deployment of Communists and those most pliable to Communist discipline; second, to fight Communist deportations within the various nations of the world; and third, to work in the West among aliens and nationality groups for Communist objectives.

Within 10 years the International Red Aid had penetrated deeply into 67 countries. They had 83,000 organizations and various subsidiary groups controlled by 40,000 highly placed Communist functionaries. They had an aggregate membership of 11,500,000. Within the United States, the American section of the IRA was organized in 1925 and known as the International Labor Defense. This organization developed 800 branch subsidiary organizations within the United States—such groups as the American Committee for Protection of

¹ For resolution of committee, authorizing and directing the holding of these hearings in Pittsburgh, and the order of appointment of the subcommittee to conduct such hearings beginning March 10, 1959, see "Current Strategy and Tactics of Communists in the United States (Greater Pittsburgh Area—Part 1)."

Foreign Born, committees to save refugees, and the like—with an aggregate membership of 225,000.

Parallel with this operation the Nationality Groups Commission of the Communist Party established the International Workers Order, cultural societies, the American Slav Congress, and other units to work among aliens and nationality groups within the United States. They supplemented and implemented this operation by what they call a "united front tactic," namely, to coalesce or work together with non-Communist and even anti-Communist groups on specific immigration programs without the revelation of their Communist objectives.

In 1947, a special congressional committee made an extensive investigation and study of our immigration and naturalization system which was found to be shot through with loopholes and weaknesses. As a result of this investigation and study, the Congress enacted the Immigration and Nationality Act in 1952, which was designed to strengthen enforcement procedures against subversives and other undesirables.

The Committee on Un-American Activities has maintained a continuing interest in the administration and enforcement of our immigration and naturalization laws because they are a first line of defense against Communist penetration of our society. Since the enactment of the Immigration and Nationality Act in 1952, there have been a number of serious problems develop as a result of certain judicial opinions interpreting the act.

It is not my purpose here to criticize the opinions or the Court which rendered them. However, in order that we may attempt to cope with the problems which do now exist in the enforcement of those provisions of the Immigration and Nationality Act designed to denaturalize and deport Communists, I shall now recite for the record the essence of some of these judicial opinions; and we shall then undertake to explore factual situations in actual cases in which there have been either deportation or denaturalization proceedings arising in, or having bearing on, the cases in the Pittsburgh area.

On December 9, 1957, the Supreme Court rendered a decision in the case of *Roraldt v. Perfetto* (355 U.S. 115). In this case the Court held that where the Department of Justice was attempting to deport a Communist alien, proof of the alien's membership in the Communist Party was not sufficient to sustain the order of deportation; that the Department of Justice had to prove that the alien had "a meaningful association" with the Communist Party. And that is very difficult to understand and administer.

In the case of the *United States v. Witkovich* (353 U.S. 194), decided on April 29, 1957, the Supreme Court interpreted that part of the Immigration and Nationality Act which requires that an alien against whom a deportation order has been outstanding for more than 6 months "give information under oath as to his nationality, circumstances, habits, associations and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper." In this case, by a 6 to 2 decision, the Court held that an alien against whom a deportation order had been outstanding for more than 6 months could not be required to answer questions respecting his present Communist relationships or activities, and that he could only be required to answer questions regarding his availability for deportation.

May I say in connection with the problem which is presented by the Witkovich case that it is the information of the committee that it is becoming increasingly difficult to effect the deportation of alien Communists because the Iron Curtain countries from which such alien Communists have come to the United States almost uniformly refuse to issue necessary travel documents pursuant to which they can be admitted into the countries from which they came.

Turning to the problems of denaturalizing Communists, I should like to refer to two judicial opinions. Here again I want to emphasize that I am not criticizing the opinions or the Court, but I am merely pointing out the issues and problems which exist as a result of the opinions, and I am doing so for the purposes of clarifying our record here today as we enter this third phase of our hearings in an attempt to explore factual situations for our legislative purposes.

In the cases of *Nowak v. United States* (356 U.S. 660), and *Maisenberg v. United States* (356 U.S. 670), both decided on May 26, 1958, the Court ruled that for the purposes of denaturalizing a Communist who had obtained citizenship while a member of the Communist Party, the Government must not only show that the person against whom the denaturalization procedures were brought was a member of the Communist Party and that the Communist Party advocates the violent overthrow of the Government, but that, in addition, the Government must prove that the defendant knew that the Communist Party actually engaged in such illegal advocacy. The decision in the Nowak case was another split decision of which the Maisenberg case was a companion.

What legislation ought to be and can be enacted to strengthen our deportation and denaturalization proceedings in the light of these decisions?

Are the persons against whom these proceedings have been brought now a menace to the security of this country?

What type of factual material can ever be developed in deportation cases to overcome the impact of these opinions? These and related questions will be in the minds of the subcommittee as we proceed now in the third phase of these hearings.

Mr. ARENS, call your first witness.

Mr. ARENS. Anna Devunich, please come forward.

Mr. WILLIS. Please raise your right hand.

Mrs. DEVUNICH. Mr. Chairman, Mr. Chairman, Mr. Chairman, before I take my oath—

Mr. WILLIS. I do not have—

Mrs. DEVUNICH. I wish to explain that we do not have counsel. Up until 2 days ago we had counsel or at least we were sure we had counsel. And up to 7 o'clock—

Mr. WILLIS. Let me swear you in and I will be glad to go over that with you.

Mrs. DEVUNICH. Up to 7 o'clock we had no counsel. I would like to ask of you a slight postponement so that we could proceed trying to get counsel. We would have been sure to have counsel if they had not been in fear and had pulled out.

Mr. WILLIS. Could you have counsel this afternoon?

Mrs. DEVUNICH. That is something I would not know, but I would try very hard and so would my husband.

Mr. WILLIS. Well, suppose you have a seat and wait a minute, please.

(The members of the committee conferred.)

Mr. WILLIS. We will do the best we can to assist you within our ability. But I think you must be sworn because you are not under our jurisdiction now, and then just state to Mr. Arens your problem about your counsel, why you do not have counsel, and we will do the best we can.

So will you please raise your right hand? We will not ask questions about anything but counsel.

Will you please raise your right hand?

Mrs. DEVUNICH. Mr. Chairman, may I please confer with my husband first?

Mr. WILLIS. Surely.

Mrs. DEVUNICH. Before this.

Mr. WILLIS. Surely.

(Conferred.)

Mrs. DEVUNICH. Mr. Chairman, we have decided that I will take the oath but will not answer any questions without counsel.

Mr. WILLIS. Let me swear you. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. DEVUNICH. I do.

Mr. WILLIS. Have a seat for a moment. And Mr. Arens will ask you only questions about the problem of your counsel, that is all. Just a few questions to clear that up.

After all, you appear at this last minute and make this plea. We have to have some facts upon which we can form a judgment in your case. That is the only reason why we want to ask you a few questions about your counsel.

TESTIMONY OF ANNA DEVUNICH

Mr. ARENS. At this time I do not propose to interrogate you on any subject other than the issue that is presently before the subcommittee.

Please identify yourself now on this record by name, residence, and occupation.

Mrs. DEVUNICH. Honorable sir, I had requested that I not answer any questions until I have counsel.

Mr. ARENS. The only questions I am going to ask you are questions of your own identity so that this committee can satisfy itself that you have responded to the subpoena for your appearance here and, secondly, questions respecting the issue that is currently before the committee, namely, the matter of your counsel.

Would you kindly identify yourself by name, residence, and occupation?

Mrs. DEVUNICH. Sir, I do not feel secure in answering any questions without counsel.

Mr. ARENS. Are you Anna Devunich?

Mr. WILLIS. You see, you have asked me, as chairman of this subcommittee, to postpone your questioning until you can get a counsel. Now, what I am trying to do is to have you say, if that is the case, that you have no counsel, and why you do not have a counsel, and that

will be the end of the questions. I cannot rule upon your request as this is not a court, this is not a jurisdiction proceeding. But for the sake of comparison you certainly would not go before a judge at the last minute and say, "I want my case postponed because I do not have a lawyer" and then not say why you do not have a lawyer. We need that in order to try to assist you if that assistance is within our power. Now, I assure you that is all we want. But we must have that. So what he is asking you for the record so you can be identified now is, what is your name, that is all.

Mr. TUCK. As I understand it, Mr. Chairman, the committee will take great care to conserve every single constitutional right that she may have.

Mr. WILLIS. What is your name?

Mrs. DEVUNICH. Mr. Chairman, I have to think over now. Should I answer any questions? I was under the im——

Mr. WILLIS. Would your husband care to sit next to you?

Mr. DEVUNICH. Excuse me.

Mr. WILLIS. Yes.

Mrs. DEVUNICH. My name is Anna Devunich.

Mr. ARENS. Mrs. Devunich, you are appearing in response to a subpoena which was served upon you by this committee?

Mr. WILLIS. Do not be too formal. Let that be understood. I think she would not understand that.

You are appearing here today in response to a document that was served upon you asking you to come here, is not that correct?

Mrs. DEVUNICH. Yes.

Mr. ARENS. Now, Mrs. Devunich, you do not have counsel; is that correct?

Mrs. DEVUNICH. As of this moment we do not have counsel.

Mr. ARENS. Have you ever had counsel in these proceedings which are pending here?

Mrs. DEVUNICH. Have I ever had counsel?

Mr. ARENS. Have you made arrangements heretofore for counsel?

Mr. WILLIS. In other words, had you made arrangements and did you have one up until recently; we want to know that. Did you have one?

Mrs. DEVUNICH. I didn't understand the question. I understand the question now.

Sir, we thought we had one and we were sure we had one until 2 days ago. And we had promises and we made telephone calls and made personal visits and so on and we were very sure that we were going to come up with an attorney at least by last night, at least by yesterday afternoon.

Mr. WILLIS. I understand.

Mrs. DEVUNICH. Now it was no fault of ours. We were sure that we had an attorney, and what happened there I could not say.

Mr. ARENS. Do you want this Committee on Un-American Activities to solicit counsel for you?

Mr. WILLIS. In other words, did you try the local bar association or the Lawyer Referral Service? Have you tried, ma'am?

Mrs. DEVUNICH. The attorney who we thought was going to be our attorney tried and it didn't come out the way we thought.

Mr. ARENS. Do you want counsel?

Mrs. DEVUNICH. Naturally.

Mr. ARENS. Do you want this committee to solicit counsel for you?

Mrs. DEVUNICH. No, sir. I wouldn't be able to answer on that until I see what my husband thinks.

Would you please come over here again?

Mr. WILLIS. You must understand that we are not trying to name a lawyer for you. Mr. Arens means would you care for him to try to make some arrangement with the bar association for counsel for you.

We do not know who the lawyer is going to be. We will not name a lawyer for you.

Mrs. DEVUNICH. Yes. I think that would be necessary and proper and I think it would be in agreement with us. Would you say that if the bar association did something it—that we would——

Mr. DEVUNICH. Yes.

Mr. ARENS. Mr. Chairman, the next witness we were to call is Mr. Devunich, who apparently, although he has not identified himself on this record, is seated beside his wife. I respectfully suggest so that this record may be clear that we now call Mr. Devunich, who can be on the record and make his views known on this same issue.

Mr. WILLIS. You were to be called right after your wife, and we may as well cover you. You are in the same position as your wife as to counsel, as I understand it; is that correct?

Mr. DEVUNICH. Yes.

Mr. WILLIS. Let me swear you so you can say the same thing and then we will see about a counsel.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEVUNICH. I do.

TESTIMONY OF STEPHEN DEVUNICH

Mr. WILLIS. What is your name?

Mr. DEVUNICH. Stephen Devunich.

Mr. WILLIS. You appear here because you were subpoenaed to appear by this committee; is that correct? You received a subpoena, you received a notice to appear.

Mrs. DEVUNICH. Subpena.

Mr. DEVUNICH. Yes.

Mr. WILLIS. Now ask him about counsel.

Mr. ARENS. Mr. Devunich, have you at any time since you received your subpoena had counsel in anticipation of these proceedings?

Mr. DEVUNICH. My wife she tell you the same thing. We thought that we have counsel. We worked hard and then we find out late last night that counsel is unavailable. That is how we are now that I would ask the committee to give us time to find our own counsel.

Mr. ARENS. It was just late last night that you found out you did not have counsel?

Mr. DEVUNICH. Even through the phone we tried to get counsel. Couldn't get.

Mr. ARENS. May the record be clear on this. When did you engage counsel?

Mr. WILLIS. He means when did you first talk to a lawyer and when did you think you had a lawyer. It seems there has been some slipup somewhere. When did you first try to get a lawyer?

Mr. DEVUNICH. Well, after we got the subpoena.

Mr. WILLIS. All right. Did you talk to a lawyer?

Mr. DEVUNICH. Yes.

Mr. WILLIS. And discuss your case with him?

Mr. DEVUNICH. Yes.

Mr. WILLIS. And you thought that lawyer would be here this morning?

Mr. DEVUNICH. Well, last night we found out that he is unavailable and can't get him last night.

Mr. ARENS. Did the lawyer call you last night and, in effect, say he could not represent you? Is that what happened?

Mr. WILLIS. You said you called the lawyer, is that it? That is the way I understood it. Did you call the lawyer or did he call you?

Mr. DEVUNICH. We was in touch 2 days, the last 2 days. So we don't have attorney.

Mr. ARENS. The thing we do not quite understand is your wife has stated a few moments ago that 2 days ago she learned that she did not have a firm commitment from counsel, as I understood her statements.

Mr. DEVUNICH. Yes.

Mr. ARENS. I understood you to say just a moment ago that you learned just last night that you did not have counsel.

Mr. DEVUNICH. We wasn't sure 2 days ago and we hoped that we would, and that is how we worked hard last night that we would have.

Mr. ARENS. Do you want this committee to make a solicitation to the bar association or legal aid or some legal group in Pittsburgh for the purpose of having them procure, if possible, a lawyer to represent you in these proceedings?

Mr. DEVUNICH. We ourselves will try. Would you agree we ourselves will try first? We have this postponed, let's say, and we will try it again.

Mr. ARENS. You understand that the committee someplace along the line has to insist upon your appearance; that a person could just always say, "Well, I don't have a lawyer"; and he would then be able to forever avoid what would be regarded as a necessary appearance before this committee. So I am trying here now to elicit from you what your circumstances are on procuring a lawyer.

Mr. WILLIS. Let me put it this way, if agreeable to you. This is to be the last day of the hearings here in Pittsburgh. You are entitled to a lawyer. On the other hand, you cannot play fast and loose with that. I hope you are not trying that, by making believe you don't have a lawyer or can't get one when that is not true. We are looking into it and I think you will be the loser if you tried. But if you honestly want a lawyer you are entitled to one.

Now, would it be agreeable for you in your own way, right now, to try to get a lawyer? We will let you do it. And would you permit counsel to phone the bar association and ask someone to get a lawyer for you for this afternoon? So you will be working and we will be trying also and if you get yours first, why, that would be fine. Would that be all right with you?

Mr. DEVUNICH. We agree with that. The committee will try—

Mr. WILLIS. You understand we want by all means, if possible, to have your testimony during this day. You understand that?

Mr. DEVUNICH. I don't. I didn't understand, Mr. Chairman.

Mr. WILLIS. I said you must understand.

Mrs. DEVUNICH. We make contact with the bar association and we would go to the bar association.

Mr. ARENS. May I suggest this, so there will be no misunderstanding about the arrangements? Would it be agreeable with you to remain this morning in the courtroom? One of the members of the staff will forthwith undertake to solicit from the bar association assignment of a lawyer, and then we will let you know what the result of that conversation is. If you will just remain in the courtroom for, let us say, an hour, we will do the best we can to solicit a lawyer and then let the chairman and the committee see where we go from there.

Is that all right with you?

Mr. DEVUNICH. Yes.

Mr. ARENS. Then, Mr. Chairman, I respectfully suggest that, for the present at least, we defer the appearance of Mr. and Mrs. Devunich.

Mr. WILLIS. Did they clearly understand you, because you deviated from what I suggested. You understand that?

Mr. ARENS. No, I did not understand it that way. I was just suggesting if they remain in the courtroom we will forthwith put in a telephone call to the bar association to see what could be developed there.

Mr. WILLIS. He had asked if he could do some phoning. We cannot deprive him of that. Mr. Devunich, you understand you are under subpoena. You have to be around. You have been served a paper by the marshal of the United States. You are not released. You are still under our jurisdiction.

Mr. DEVUNICH. We understand.

Mr. ARENS. May I suggest this, Mr. Chairman, that Mr. Margetich escort the two witnesses, if it is agreeable with them, to the telephone that is in the office adjoining the courtroom here?

Mr. WILLIS. And you put in a private telephone call right there.

Mr. ARENS. Let them make any calls they want to. Let him, if agreeable to the chairman and them, make a call or two to the local bar association, the legal aid, or any other entity of similar character here that might be able to accommodate these witnesses. We will not, of course, insist on your taking any particular lawyer or anything of that kind. It is just an effort of the committee to be able to facilitate its work here in interrogating you with you having the privilege of counsel.

Mr. WILLIS. All right.

Mrs. DEVUNICH. Mr. Chairman, before we leave am I to understand that you are going to contact the bar association or we should contact the bar association?

Mr. WILLIS. Both. You go over there and you can phone yourself.

Mrs. DEVUNICH. I see.

Mr. WILLIS. Then our own staff member will also phone. Everybody will be trying.

Mr. ARENS. Mr. Chairman, I have just instructed Mr. Margetich of this staff not to be in the presence of these two witnesses when they are in personal conversation on the telephone to any lawyer.

Mr. WILLIS. All right.

Mr. ARENS. Are you ready, Mr. Chairman, for another witness?

Mr. WILLIS. Yes.

Mr. ARENS. Mr. Vincent Kemenovich, please come forward.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KEMENOVICH. I do.

Mr. WILLIS. Please be seated.

TESTIMONY OF VINCENT KEMENOVICH, ACCOMPANIED BY COUNSEL, HYMEN SCHLESINGER

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. KEMENOVICH. Do I have to stand when I——

Mr. ARENS. No; you may be seated.

Mr. KEMENOVICH. Yes. My name is Vincent Kemenovich. I reside at 207 Brinton Avenue, Trafford, Pa., and I am a factory worker, employed in a factory.

Mr. ARENS. You are appearing today, Mr. Kemenovich, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. KEMENOVICH. That is right.

Mr. ARENS. And you are represented by counsel?

Mr. KEMENOVICH. I am.

Mr. ARENS. Counsel, will you kindly identify yourself on this record?

Mr. SCHLESINGER. Hymen Schlesinger, Pittsburgh, Pa.

Mr. ARENS. Where were you born, Mr. Kemenovich?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, in view of the fact that there is litigation in my case which concerns my birthplace and so on, I feel that anything I would say concerning this fact may adversely affect my litigation in the other case. Therefore I claim the protection of the fifth amendment.

Mr. ARENS. Were you born in a country other than the country in which you presently reside, the United States? In other words, were you born in a foreign country?

Mr. KEMENOVICH. I didn't understand the question.

Mr. ARENS. Were you born in a foreign country, a country other than the United States?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, I am willing to answer this question, only but it was not open this, am I answering this question does not open the door to other additional questions in reference to the same matter.

Mr. ARENS. We won't work any kind of deal of that character at all; no, sir.

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Then I claim the protection of the first and fifth amendment.

Mr. ARENS. Are you a citizen of the United States?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. I claim the protection of the first and fifth amendments.

Mr. ARENS. How long have you lived in the United States?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, in view of the fact that all these questions that you ask and others that you will continue to ask in this line and direction have been answered and are a matter of record, therefore I feel that to raise these questions here and take out matters that have nothing to do with these questions will just make it more difficult for me, and I am compelled to invoke my rights on the first and fifth amendments.

Mr. WILLIS. Let me say this. As I indicated in my opening statement this morning, we are not directing the questions having to do with your particular case specifically, but what we are interested in is to develop facts and circumstances, using your case simply as an illustration, to try to see why administrative difficulties have been encountered under the present law. In other words, the Congress of the United States passed the law which permits the deportation of certain people in certain cases, specified cases. Now, we know that there were proceedings involving you. We are not directing ourselves to your case in particular, but we want to find out the circumstances in your case and then try to find out whether there is something wrong with the law or whether it should be corrected. So do not take this as though it is directed as a rehash of your case. We have nothing to do with the administration of the law. We are trying to develop facts to know whether we should amend those laws. That is the basis for the inquiry.

Mr. ARENS. Mr. Chairman, perhaps I could supplement your observation so that the pertinency of these questions and the relevancy of the subject under inquiry are absolutely clear.

It is the information of this committee, sir, that you have been identified repeatedly by live witnesses under oath, who are responsible, credible witnesses, as a person who has been a member of the Communist Party.

Mr. KEMENOVICH. By Cvetic.

Mr. ARENS. It is further the information of this committee that since January 14, 1952, there has been outstanding in your case a warrant of deportation for the purpose of attempting to effect your deportation from this country as an alien Communist.

It is further the information of this committee that the Immigration and Naturalization Service, notwithstanding its very efficient, dedicated efforts in attempting to effect your deportation pursuant to the law, has been unable to do so.

It is further the information of this committee that the chief problem in your case which has precluded your deportation as an alien Communist since the order of deportation was issued in 1952 was because there is an exceeding difficulty in procuring travel documents, in that the Iron Curtain country from which you came will not issue travel documents for your admission. That all of these matters have been finally adjudicated up to the very moment.

Now, I should like to ask you, sir, have you ever applied since 1952 for travel documents to any foreign country?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, I am compelled to state here that answering this question would lead to additional questions that would, in turn, make it possible for an agency, not necessarily this committee, to further persecute me. Therefore I invoke the fifth amendment.

Mr. ARENS. Since the time the order of deportation was issued against you and since the conclusion of all the administrative processes in your case resulting in a final order of deportation, have you been engaged in Communist Party activities in the Pittsburgh area?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, this question is also in line with the other questions asked as for the purpose of further opening the door for my persecution. I feel that to answer I would be helping to violate the first and fifth amendments. Therefore, I decline to answer on the basis of the first and fifth.

Mr. ARENS. Mr. Chairman, I think that I could clarify the record on the history of the case a little better than I have done heretofore.

Mr. WILLIS. Ask him specific questions, a few of them: Was he ordered deported? When? Has he been a Communist? Has there been a deportation order?

Mr. ARENS. All right, sir.

Was a warrant of arrest issued by the Immigration and Naturalization Service in your case on September 19, 1949, on the ground that you were a member of a group advocating the overthrow of the Government by force and violence? Is that a fact?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, the question put to me is very objectionable for the simple reason that the committee has the record and the record is a matter of the committee records that it is going to submit to the Congress upon which they will base any changes in the law and so on; and, therefore, to put that question to me at the open hearings of this type without giving me an opportunity to bring defense of myself, I don't think it is fair. I don't think it is proper and I refuse to become part of this, really part of this persecution of other people who might be in the same shoes as I am and who are just as innocent as I am. Therefore I claim the first and fifth amendments.

Mr. ARENS. Was your case completely adjudicated by the Immigration Service over the course of many years?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. I personally don't see that any benefit is going to be derived by this committee or me in answering your question. Therefore I claim the first and fifth.

Mr. WILLIS. It is a fact, is it not, that the Immigration Service gave you an opportunity to submit all the evidence you had in connection with whether or not you should be deported and that they heard your side and presented their evidence and they decided you should be deported? Now, is that not a fact?

Mr. KEMENOVICH. Will you ask the question again? I was distracted for a second.

Mr. WILLIS. Is it not a fact that the Immigration Service after servicing the case and going through whatever the law requires—is it not a fact that they entered an order requiring you to be deported?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, I don't want to stand here definitely as if I am defying this committee, the Congress of the United States, and so on and so on. I don't want anybody to get that idea. Yet I can safely say that I haven't had court.

(The witness conferred further with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, as much as I hate to, because I would like to very much state my case, but to answer your question at the moment without due explanation will certainly jeopardize me because I will leave myself open to many other questions. Therefore, I respectfully claim the protection of the first and fifth amendment.

Mr. WILLIS. I think, from the questions of our counsel, it appears to be a fact that the Immigration Service entered an order a long time ago for your deportation; and now what I wanted to find out was why you have not been deported. Do you have any reasons why?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, to ask me that question, I certainly don't know. I mean I am not qualified to answer.

Mr. ARENS. Mr. Chairman, I should like to explain the pertinency and relevancy of this series of questions on this record and I shall read now the excerpts.

Mr. KEMENOVICH. Mr. Arens, I am sorry, but I didn't—you interrupted me. I thought—give me courtesy.

Mr. ARENS. I beg pardon. I am sorry. I was answering the chairman. Proceed.

Mr. KEMENOVICH. I am not a trained lawyer. I am a factory worker and I lost my trends of thoughts and I don't want to repeat myself.

Mr. ARENS. Perhaps you will pick up the thread of thought in a few minutes.

I should like now to explain for the record the pertinency and relevancy of the question to the subject under inquiry. The case history here, sir, of your case taken from the record of the Immigration and Naturalization Service is as follows: That on September 19, 1949, a warrant of arrest was issued by the Immigration and Naturalization Service for your arrest and deportation as an alien Communist who, after entry, was a member of a group advocating overthrow of the Government by force and violence. Thereafter, there was a hearing on January 9, 1951, in which you were ordered deported. At that time the Immigration Service produced testimony from five live, competent witnesses respecting your Communist Party affiliations and activity. Since then, just 2 days ago in these proceedings here in Pittsburgh two other competent, honorable witnesses have identified you as a known Communist.

Thereafter, on June 21, 1951, you were again ordered deported, from which an appeal was taken on July 6, 1951. Thereafter, on January 4, 1952, the matter was adjudicated by the Board of Immigration Appeals and the appeal taken by yourself was dismissed.

Thereafter, on January 14, 1952, a warrant of deportation was issued.

Thereafter, on October 8, 1953, there was a denial of your application for a stay under a section of the law which prohibits deportation

of an individual irrespective of his Communist affiliations if his deportation would result in personal persecution.

Now, the intent and purpose of our questions is to ascertain what you have been doing since the final order of deportation, since all of these proceedings have been concluded back in 1953, whether or not you have continued Communist Party functions and Communist Party activities and to explore with you to get by direction, if possible, and if not possible, by indirection, the causes as to why your deportation from this country has not been effected. One of the reasons we understand is that there has been an exceeding difficulty in procuring travel documents from Yugoslavia, the country from which you came—all for the purpose of assembling information which may be taken by this subcommittee back to Washington to attempt, if possible, to devise legislative provisions so as to tighten up on Communists who have, as the chairman said in his opening statement here today, been penetrating this country for the purpose of carrying on the work of the international Communist conspiracy.

Now, sir, with that question thoroughly explained, at least to the best of my competency in this record as to its pertinency and relevancy, I ask you, have you been engaged in Communist Party activities since October 8, 1953?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, the question that Mr. Arens put to me—

Mr. WILLIS. A little louder, please.

Mr. KEMENOVICH. The question that Mr. Arens put to me doesn't make me feel that my answer will help me or the committee to clarify anything, I think. Therefore, I claim the fifth amendment.

Mr. ARENS. The second question I should like to ask you, which is thoroughly germane to this subject under inquiry is: To your knowledge have any travel documents been issued in your case by any country permitting your entry into that country pursuant to the order of deportation?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. Mr. Chairman, I am quite certain that the committee has access to the documents to which I have no access, such as immigration files, and they should be more qualified to find this information, as I have none on this subject. Therefore I claim the fifth amendment.

Mr. ARENS. Have you taken any steps to preclude the issuance of travel documents or to stop the issuance of travel documents by any country since the order of deportation was made final?

(The witness conferred with his counsel.)

Mr. KEMENOVICH. I claim the protection of the fifth amendment.

Mr. ARENS. And the final question: Are you now, this minute, a member of the Communist Party?

Mr. KEMENOVICH. Fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. Mr. Chairman, please, I have just been advised by Mr. Margetich of this staff that in the case of the first two witnesses who were called this morning, Mr. and Mrs. Devunich, arrangements have been made for them to very promptly confer with a representative of

the local lawyers' association; and I therefore respectfully request, Mr. Chairman, that they be released from appearance until the afternoon session. It is now 5 minutes of 11. If they are now released I would speculate they could be conferring with the attorney for another half hour or so, and that would give them ample time, I imagine, unless he determines otherwise, to make arrangements of some kind with him for an appearance.

I respectfully suggest that, if agreeable with you, their appearance pursuant to their subpoena be deferred until 2 o'clock this afternoon.

Mr. WILLIS. It is so ordered.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the next witness be Katherine Kemenovich.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KEMENOVICH. I do.

TESTIMONY OF KATHERINE KEMENOVICH, ACCOMPANIED BY COUNSEL, HYMEN SCHLESINGER

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. KEMENOVICH. Katherine Kemenovich, 207 Brinton Avenue, Trafford, housewife.

Mr. ARENS. You are appearing today, Mrs. Kemenovich, in response to a subpoena which was served upon you by this committee?

Mrs. KEMENOVICH. Yes.

Mr. ARENS. And you are represented by counsel?

Mrs. KEMENOVICH. Yes.

Mr. ARENS. Counsel, please identify yourself.

Mr. SCHLESINGER. Hymen Schlesinger, Pittsburgh, Pa.

Mr. ARENS. Solely for the purpose of identification are you the wife of the man who preceded you to the stand, Mr. Vincent Kemenovich?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. If it doesn't open any door, I will answer it.

Mr. ARENS. It is only for the purpose of identification I asked that question.

Mrs. KEMENOVICH. Yes.

Mr. ARENS. Where were you born?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. Well, then it was Austria-Hungary and now it is Yugoslavia.

Mr. ARENS. When did you come to the United States?

Mrs. KEMENOVICH. 1921.

Mr. ARENS. Did you come for permanent residence then?

Mrs. KEMENOVICH. Yes.

Mr. ARENS. Are you a citizen of the United States?

Mrs. KEMENOVICH. Yes.

Mr. ARENS. By naturalization?

Mrs. KEMENOVICH. Yes.

Mr. ARENS. Where and when were you naturalized?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. If it doesn't open any door I will answer it.

Mr. ARENS. I am not making any commitments here as to what doors are or are not being opened. I am asking you only, without reservation and without equivocation, when and where were you naturalized?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. I claim the protection of the fifth and first amendments.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully, while you were under oath, when and where you were naturalized as a citizen of the United States you would be supplying information that might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. It would be a link in the chain which would incriminate me.

Mr. ARENS. Were you naturalized in Steubenville, Ohio, on June 10, 1941?

(The witness conferred with her counsel.)

Mr. ARENS. Excuse me. Did you file a petition for naturalization at Steubenville, Ohio, on June 10, 1941?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. First and fifth amendments.

Mr. ARENS. Were you admitted to citizenship on September 3, 1941?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. First and fifth amendments.

Mr. ARENS. At the time of your naturalization were you a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. The answer is the same.

Mr. ARENS. Are you cognizant of the program of the Communist Party in which it advocates, and has advocated, the overthrow of the Government of the United States by force and violence?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. The answer is the same.

Mr. ARENS. Now, do you honestly apprehend that if you told this committee truthfully, while you are under oath, whether or not at the time of your naturalization you knew that the Communist Party advocated the overthrow of this Government by force and violence you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. It could be a link in the chain.

Mr. ARENS. According to the files of the Immigration and Naturalization Service in your case—which I assert now is only typical of numerous cases, as was the case of your husband typical of numerous deportation cases—on June 10, 1941, you filed a petition for naturalization at Steubenville, Ohio; on September 3, 1941, you were admitted to citizenship and took an oath to support and defend the Constitution of the United States; that on August 13, 1954, a complaint or petition was filed by the Immigration Service here in Pittsburgh to revoke your citizenship, alleging that your naturaliza-

tion was procured illegally in that you concealed at the time that you were a member of the Communist Party. Thereafter, in April 1958, just last year, this case was dismissed and was not reinstituted in light of certain decisions by the courts on the issue of attempting to prove that you were not only a member of the Communist Party at the time of your naturalization but that you subjectively knew that the Communist Party engaged in the advocacy of the overthrow of this Government by force and violence.

Have I recited so far as your recognition is concerned the essence of your case?

Mrs. KEMENOVICH. First and fifth amendments.

Mr. ARENS. Do you know a lady by the name of Mary Golden?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. First and fifth amendments.

Mr. ARENS. Are you now, this minute, a member of the Communist Party?

Mrs. KEMENOVICH. The answer is the same.

Mr. ARENS. Mr. Chairman, I respectfully suggest that in the presence of this witness Mrs. Golden be requested to come forward just for the purpose of identification.

Mr. WILLIS. Mrs. Golden.

TESTIMONY OF MARY GOLDEN—Resumed

Mr. WILLIS. Mrs. Golden, you have been previously sworn on this record?

Mrs. GOLDEN. Yes.

Mr. ARENS. You testified a couple of days ago respecting your participation in the Communist Party at the behest of the Federal Bureau of Investigation; is that correct?

Mrs. GOLDEN. That is right, sir.

Mr. ARENS. During the course of your membership and participation in the Communist Party, did you know as a Communist a person by the name of Katherine Kemenovich?

Mrs. GOLDEN. I did.

Mr. ARENS. When did you last see her as a Communist and work with her as a Communist?

Mrs. GOLDEN. Last Saturday in Hymen Schlesinger's office.

Mr. ARENS. Was that a Communist Party meeting in which you were a participant?

Mrs. GOLDEN. Yes, sir.

Mr. ARENS. In passing, may I ask when was the Communist Party meeting last Saturday set up; when were the arrangements made for the Communist Party meeting?

Mrs. GOLDEN. The arrangements were made the Saturday that they had the meeting for the Independent Voters League. My husband was told that he would be called by Alex Staber and told when the meeting was to take place.

Mr. ARENS. Who notified you to come to the meeting?

Mrs. GOLDEN. Alex Staber.

Mr. ARENS. Was the meeting, as you understand it, to be a Communist Party meeting or was it to be something else?

Mrs. GOLDEN. It was a meeting.

Mr. ARENS. And did you go there with any idea that you were there in the status of a client with an attorney, or did you go there, on the other hand, with the contemplation that you were there to attend a cell meeting of a Communist fraction?

Mrs. GOLDEN. We had no intention of obtaining a lawyer. It was a meeting.

Mr. ARENS. Was it, and I shall not burden you with the details, but was it in all essence a functional meeting of the Communist Party?

Mrs. GOLDEN. Yes, sir.

Mr. ARENS. In which those attending participated as comrades?

Mrs. GOLDEN. Yes, sir.

Mr. ARENS. Now, at that meeting, did you see Katherine Kemenovich?

Mrs. GOLDEN. Yes, sir.

Mr. ARENS. Did she participate in that meeting as a comrade?

Mrs. GOLDEN. Yes, sir.

Mr. ARENS. Was that meeting called and promoted and developed for the purpose of devising a Communist program and Communist objectives and Communist strategy, particularly with reference to these hearings?

Mrs. GOLDEN. Yes, sir.

Mr. ARENS. Was there discussed in the meeting other Communist activities and other Communist programs?

Mrs. GOLDEN. Yes, sir.

Mr. ARENS. Thank you, Mrs. Golden.

TESTIMONY OF KATHERINE KEMENOVICH—Resumed

Mr. ARENS. Mrs. Kemenovich, just to bring your case, as a typical case, down to date so that this committee will have factual information in this typical case—and I emphasize the word “typical”—when it returns to Washington to deliberate on tightening the laws, if possible, to cope with the Communist menace, may I ask you, was Mrs. Golden in error, or was she accurate, a moment ago when she said, in essence, that in the course of the last several days she attended a Communist meeting with you here in Pittsburgh and identified you as a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. KEMENOVICH. I refuse to dignify the statement of a stool pigeon. So I take the fifth and first amendments.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of the witness.

Mr. WILLIS. The witness is excused.

We will take an informal recess for 5 minutes to give the reporter a rest.

(Subcommittee members present: Representatives Willis and Tuck.)

(Brief recess.)

(Subcommittee members present: Representatives Willis and Tuck.)

Mr. WILLIS. The subcommittee will please come to order.

Please call your next witness.

Mr. ARENS. If you please, Mr. Chairman, the next witness will be Alex Roth Rakosi.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RAKOSI. I do.

Mr. WILLIS. Do you object to being photographed?

Mr. RAKOSI. There is no use objecting, sir, because they are taking it anyway.

TESTIMONY OF ALEX ROTH RAKOSI, ACCOMPANIED BY COUNSEL, HYMEN SCHLESINGER

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. RAKOSI. Alex Roth Rakosi, 440 Lincoln Highway, Irwin, Pa., home improvement, house repairs.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by this committee?

Mr. RAKOSI. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. RAKOSI. Yes.

Mr. ARENS. Counsel, please identify yourself.

Mr. SCHLESINGER. Hymen Schlesinger, Pittsburgh, Pa.

Mr. ARENS. How did you pronounce your name? I do not want to mispronounce it.

Mr. RAKOSI. Rakosi.

Mr. ARENS. Have you ever been known by any other name?

(The witness conferred with his counsel.)

Mr. RAKOSI. Sir, my name is Alex Roth Rakosi.

Mr. ARENS. Have you ever been known by any other name?

Mr. RAKOSI. Let me say this, sir: In answering your question as to my conclusion in my answer I would like to recall that Jesus, Son of Mary, when He was confronted with His inquisitors like I am here now with a question, He remained silent. That was the fifth amendment of His time. In answering your question, I respectfully claim the first amendment and the fifth amendment.

Mr. ARENS. Are you a now a member of a godless conspiracy that denies the existence of God and is dedicated to the overthrow of this Government by force and violence?

(The witness conferred with his counsel.)

Mr. RAKOSI. See. This is an attempt of the committee to inject religious issues.

Mr. WILLIS. We will not tolerate any audible comment from the audience.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. RAKOSI. The founder of this State if I recall in the 17th century, William Penn, and his Friends took the fifth amendment of their time. I avail myself of the privilege of taking the fifth amendment.

Mr. ARENS. Where were you born?

(The witness conferred with his counsel.)

Mr. RAKOSI. Mr. Counsel, I am sure that you know where I was born, but solely for identification I was born in Hungary.

Mr. ARENS. When?

(The witness conferred with his counsel.)

Mr. RAKOSI. If this question doesn't open any doors——

Mr. ARENS. Now let the record be clear. We are making no deals.

(The witness conferred further with his counsel.)

Mr. ARENS. And will not be precluded by any answer you give.

Mr. RAKOSI. If this question doesn't open any doors——

Mr. ARENS. Do not let your hypothesis there assume any restraint on the part of this committee from pursuing any objective that we legitimately can pursue.

Mr. RAKOSI. I appreciate your effort to confuse me, sir. And I am confused. I am confused very much.

Mr. ARENS. Please tell us when you were born.

Mr. RAKOSI. I am confused. I am harassed. Your methods made me penniless. So please—the photographers are all around me here. I don't know whether I am a boy or a girl. I don't even know what I want to say.

Mr. ARENS. Do you know when you were born?

Mr. RAKOSI. I was born in Hungary.

Mr. ARENS. When?

(The witness conferred with his counsel.)

Mr. RAKOSI. This is a matter of record. Solely for identification, sir, I was born in 1907.

Mr. ARENS. When did you come to the United States for permanent residence?

(The witness conferred with his counsel.)

Mr. RAKOSI. The same basis, that is if it doesn't open a door for further harassment. To my recollection I came to this country in 1923.

Mr. ARENS. Are you a citizen of the United States?

(The witness conferred with his counsel.)

Mr. RAKOSI. For identification purposes, yes.

Mr. ARENS. Were you naturalized as a citizen?

(The witness conferred with his counsel.)

Mr. RAKOSI. Well, it is obvious from the fact that I was born in another country.

Mr. ARENS. Not necessarily. There is such a thing as derivative citizenship. Now, when were you naturalized as a citizen in the United States?

(The witness conferred with his counsel.)

Mr. RAKOSI. What was the question, sir?

Mr. ARENS. When were you naturalized as a citizen?

Mr. RAKOSI. Sir, I listened to the opening remarks of the chairman, and I just can't see what this question has anything to do with why I was called here.

Mr. ARENS. I will explain it to you.

Mr. RAKOSI. And for this reason, sir, before you explain——

Mr. ARENS. I will explain it to you right now.

Mr. RAKOSI. Before you explain, I want to finish. I invoke the fifth amendment privilege.

Mr. ARENS. Now I am going to explain to you because you don't understand what we are doing here apparently. At least you assert you do not.

It is the information of this committee, taken from the records of the Immigration and Naturalization Service in your case, which we are advised is typical of numerous cases, that on May 17, 1938, you filed a petition for naturalization.

Mr. RAKOSI. When was that, sir?

Mr. ARENS. May 17, 1938; is that correct?

(The witness conferred with his counsel.)

Mr. WILLIS. When you filed a petition.

Mr. ARENS. Is that correct?

Mr. RAKOSI. I just—I didn't hear, sir. I am a little hard of hearing.

Mr. ARENS. May 17, 1938, you filed a petition for naturalization to become a citizen of this great Republic; on January 5, 1940, you took an oath to be a loyal American, to defend and support the Constitution of the United States against all enemies foreign and domestic; that you at that time—I do not have the exact language—asserted that you were not then a member of any organization dedicated to the overthrow of this Government by force and violence; and that you were then admitted to citizenship.

It is further the information of this committee, taken from the records of the Immigration and Naturalization Service in this typical case, that on May 5, 1954, a complaint was filed in the United States District Court here in Pittsburgh, alleging that you procured citizenship illegally in that you concealed from the Government that you were a member of the Communist Party as of the time you took that oath. It is the further information of this committee, also taken from the records of the Immigration and Naturalization Service, that due to certain judicial decisions which had in the meantime been handed down, it was virtually impossible for the Immigration and Naturalization Service to proceed in your case, notwithstanding the fact that they had then live witnesses of proven integrity who were prepared to testify under oath that they knew you as a member of the Communist Party as of the time you took that oath.

Since then, sir, just a couple of days ago, there appeared before this committee a lady who had served in the Communist Party at the behest of the Federal Bureau of Investigation. She testified under oath that she knew you as a member of the Communist Party, active in the Communist Party; and she gave considerable information respecting your participation in that conspiratorial organization.

Now, notwithstanding the fact that your denaturalization case has been dismissed, it is the intent of this committee—by indirection, probably, and by direction, if possible—to get such information as may be available from you to enable this committee, when it returns to Washington, to appraise this typical case and attempt, if it can, to devise legislative provisions so as to tighten up and facilitate, within the framework of fair play, the processes of this Government so that it can rid itself of Communist traitors who have in the past and are to this day penetrating our defenses for the objective of subverting this great Republic in the interest of a godless international conspiracy.

Now, sir, with that explanation, I should like to ask you: At the time you took your oath as a citizen of the United States on January 5, 1940, were you then a member of this atheistic conspiracy known as the Communist Party?

Mr. RAKOSI. Sir, with these long speeches I just understand that the motive of this committee is to harass, to ruin people, their lives, livelihoods.

Mr. ARENS. Would you kindly answer the question?

(The witness conferred with his counsel.)

Mr. RAKOSI. And I am not going to give any help to help you to ruin the lives of innocent people, and I respectfully claim the fifth amendment.

Mr. ARENS. Have you been engaging in Communist Party activities since the dismissal of the denaturalization proceedings against you?

Mr. RAKOSI. I claim the fifth amendment.

Mr. ARENS. Have you been back to your native Hungary at any time since you left there?

(The witness conferred with his counsel.)

Mr. RAKOSI. I imagine this committee has the record of—I claim the fifth amendment.

Mr. ARENS. When were you last absent from the United States?

(The witness conferred with his counsel.)

Mr. RAKOSI. I claim the fifth amendment.

Mr. ARENS. Have you been absent from the United States at any time in the course of the last 5 years?

Mr. RAKOSI. I claim the fifth amendment.

Mr. ARENS. Are you, or have you been in the last few years, active in the American Committee for Protection of Foreign Born?

(The witness conferred with his counsel.)

Mr. RAKOSI. I claim the first and fifth amendments.

Mr. ARENS. What was your employment immediately prior to your present employment?

(The witness conferred with his counsel.)

Mr. RAKOSI. I claim the fifth amendment.

Mr. ARENS. Have you been engaged in any publishing work, any writing, editing, anything of that character?

(The witness conferred with his counsel.)

Mr. RAKOSI. Is there any freedom of the press?

Mr. ARENS. Yes, sir, and there is also freedom of inquiry by this committee to undertake to determine what Communists are doing to subvert this great Nation.

Mr. RAKOSI. Then I claim the first and fifth amendments.

Mr. ARENS. I put it to you as a fact, sir, that you were for 5 years on the editorial staff of a Hungarian language paper in Cleveland and that you were, thereafter, a reporter and writer for the Communist Daily Worker and managing editor of a Hungarian newspaper in New York City, all or part of the time prior to the time you came to Pittsburgh. If that is not true, please deny it while you are under oath.

(The witness conferred with his counsel.)

Mr. RAKOSI. That question is direct interference with my privilege. The freedom of speech, press is concerned as you very well know. I claim the first and fifth amendments.

Mr. ARENS. How old were you when you came to the United States? I want to be sure I have that on the record. I could figure it from the date of your birth, date of admission. I think you could help me on that, if you please.

Mr. RAKOSI. It would have been much faster and saved money of the Government and taxpayers if you would have looked it up. But to help you for identification only—now let's see how old was? Do I have to be exact?

Mr. ARENS. No; your best recollection or approximation, if you please, sir.

Mr. RAKOSI. Yes; about 15.

Mr. ARENS. Were you educated in the United States after you arrived here? Did you go to school here?

Mr. RAKOSI. No; I am getting an education here now, from this committee, education in harassment.

Mr. ARENS. Would you kindly answer the question?

Mr. RAKOSI. What was the question, sir?

Mr. ARENS. The question is, Did you attend school in the United States after you arrived here?

(The witness conferred with his counsel.)

Mr. RAKOSI. You mean by that, sir, a public school?

Mr. ARENS. We will start with that; yes.

Mr. RAKOSI. All right. And where will we finish, sir?

Mr. ARENS. Now, would you kindly answer the question, Did you attend public schools?

Mr. RAKOSI. Well, to the best recollection, I went to an unsegregated public school in East Pittsburgh, unsegregated, for about 6 months or so. I don't recall. I have to look it up.

Mr. ARENS. Was this a high school?

Mr. RAKOSI. It wasn't a high school. Public school.

Mr. ARENS. Did that complete your formal education, public education? I should say education in a public school.

Mr. RAKOSI. My public education, as I said before, is being continued here today, sir, and yesterday.

Mr. ARENS. Did that complete your formal education in the public-school system, is what I am asking.

(The witness conferred with his counsel.)

Mr. RAKOSI. As far as I recollect.

Mr. ARENS. Have you attended any other schools, training schools of any variety, since you completed your formal education in the public schools?

(The witness conferred with his counsel.)

Mr. RAKOSI. Sir, I do not admit whether I did or did not, and this is, after all, none of the business of this committee, and I claim the first and fifth amendments.

Mr. ARENS. Have you attended any Communist Party training schools since you completed your formal education in the public school system? Please answer that question.

Mr. RAKOSI. I claim the first and fifth amendments. I claim the first and fifth amendments.

Mr. ARENS. Are you now, this very minute, a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. RAKOSI. Well, of course, you must know that this is an improper question, sir. Do I have any rights under the first and fifth amendments? I claim the first and fifth amendments.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Allan McNeil.

Would you kindly come forward? The name, according to our record here, is James Allan Donald McNeil.

Mr. WILLIS. Please raise your right hand, sir. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McNEIL. I do.

TESTIMONY OF JAMES ALLAN DONALD McNEIL, ACCOMPANIED BY COUNSEL, HYMEN SCHLESINGER

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. McNEIL. My name is Allan D. McNeil. My residence is 3444 Ward Stret, Pittsburgh, and I am unemployed.

Mr. ARENS. You are appearing today, Mr. McNeil, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. McNEIL. That is correct.

Mr. ARENS. And you are represented by counsel?

Mr. McNEIL. That is right.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. SCHLESINGER. Hymen Schlesinger, Pittsburgh, Pa.

Mr. ARENS. Have you been known by any name other than the name to which you just responded, Mr. McNeil?

Mr. McNEIL. Mr. Chairman, I must claim the first and fifth amendments on this question.

Mr. ARENS. Where were you born and when?

(The witness conferred with his counsel.)

Mr. McNEIL. Mr. Chairman, there is at present in progress some litigation with the Immigration Service in my case. Because of this fact, any questions relative to this business I must answer with the first and fifth amendments.

Mr. ARENS. Were you born outside the United States?

Mr. McNEIL. My answer is the same.

Mr. ARENS. When did you come to the United States?

Mr. McNEIL. My answer is the same.

Mr. ARENS. Are you a citizen of the United States?

Mr. McNEIL. I answer the same.

Mr. ARENS. Have you ever been naturalized?

Mr. McNEIL. I answer the same, sir.

Mr. ARENS. Mr. McNeil, I should like to recite to you certain elements in the case of yourself which we have procured from the Immigration and Naturalization Service. It is the basis on which I speak.

Mr. McNEIL. Before you do, Mr. Arens—

Mr. ARENS. On the basis of which I propose to interrogate you on certain matters.

Mr. McNEIL. Before you do, Mr. Arens, may I appeal to the Chair?

Mr. Arens is now going to recite, apparently, matters that are still in litigation, and he is now going to put in the record, I presume, alleged facts; and I think that this is highly irregular, sir, and I ask you please to exercise your authority and stop it.

Mr. ARENS. Mr. Chairman, I believe the record will be clear after I make my explanation here as to why this witness is here and the status of his case.

Mr. McNEIL. I must again, Mr. Chairman, appeal to you, sir, please.

Mr. WILLIS. Well, Mr. Arens apparently disagrees with you.

Mr. McNEIL. Mr. Chairman——

Mr. ARENS. Before I pose any more questions to the——

Mr. McNEIL. It is you has the authority, not Arens, in this matter.

Mr. ARENS. Before I pose any more questions to the witness, the explanation I believe should be in the record and then the chairman may make a determination, if you desire, Mr. Chairman, as to whether or not you would like to proceed with this interrogation.

It is the information of this committee, taken from the records of the Immigration and Naturalization Service, sir, that you were born in India—in Calcutta, India; that you came to the United States in 1920 in transit as a seaman; that in 1937 you went to Spain and participated in the Abraham Lincoln Brigade and there assumed the name of Allen Johnson, and were given a status by the Communist brigade there as Maj. Allen Johnson. Thereafter, you came back to the United States and returned again to Spain in 1939. In 1952, a warrant of arrest and deportation was served in your case, the grounds being that after reentry you were a member of the Communist Party. Under the provisions of the Walter-McCarran Immigration and Nationality Act you were ordered deported after all of the administrative processes had been gone through with.

Mr. WILLIS. When?

Mr. ARENS. That was on June 6, 1954. That thereafter because of a series of decisions by the courts the warrant of deportation was withdrawn, giving a very brief summary of the case.

Mr. WILLIS. When was that?

Mr. ARENS. January 8, 1957, the order of deportation was withdrawn, sir.

Mr. WILLIS. Are there any actual pending proceedings before any court against the man?

Mr. SCHLESINGER. The warrant was not withdrawn, Your Honor. The order of deportation was reversed and the proceedings remanded to the Immigration Service and there is a hearing scheduled.

Mr. McNEIL. April 20.

Mr. SCHLESINGER. April 20, 1956. I mean 1959. Next month.

Mr. McNEIL. Mr. Chairman.

Mr. ARENS. Mr. Chairman, I would say this. If the case is currently pending administratively or in the courts, I would respectfully suggest we suspend interrogating this witness. It was the information which we have been assured is accurate——

Mr. WILLIS. Let us get the record straight. Do you assert, as a fact under oath, that some administrative steps or proceedings are scheduled for a hearing either before a court or before the Immigration Service in April next?

Mr. McNEIL. April 20, to be precise. May I before——

Mr. ARENS. Under those circumstances——

Mr. McNEIL. Before Mr. Arens gets into it, may I please—I am merely asking for a courtesy in this matter. Mr. Arens has sat here, and I think it is a most inadvisable and highly dishonorable kind of practice——

Mr. WILLIS. Now, wait a minute. Did you not hear what he just suggested?

Mr. McNEIL. I understand it. After he gets the stuff in the record, sir.

Mr. WILLIS. Now wait a minute.

Mr. ARENS. I was going to suggest, Mr. Chairman, that if this witness will testify under oath that there is some additional proceeding which is yet to be held, something else to transpire, we do not pursue or open up the questions which we were going to pose to the man, which we have not yet even gotten into. On the other hand, if the fact is, as we have been advised—at least my records reflect here from the investigators who have been in contact with the Immigration Service—that the warrant of deportation was withdrawn, then I suggest we proceed.

I would respectfully suggest that we lean over backward in this case, as we do in other cases, and avoid any possible conflict with an administrative proceeding.

Mr. McNEIL. May I submit to this here?

Mr. ARENS. As far as you blackening my character here, I am used to that by traitors and Communists that appear before this committee, and it goes off my back like water off a duck.

Mr. McNEIL. May I ask that be stricken from the record?

Mr. WILLIS. You opened up the door, quite uncharitably.

What do you suggest, Mr. Arens?

Mr. ARENS. I suggest this man be continued under subpoena, subject to the call of the Chair after such time as we are able to make a determination if there is any additional administrative proceeding pending in this matter.

Mr. WILLIS. That course will be followed and the subpoena will remain outstanding.

Mr. SCHLESINGER. Your Honor, I might say——

Mr. WILLIS. So the witness is excused.

Mr. SCHLESINGER. There is a representative here of the Immigration Service.

Mr. WILLIS. You asked for a continuance. Now you just want to have further debate. The witness is excused. The witness is excused under the conditions I have stated.

The subcommittee will stand in recess until 2 o'clock this afternoon.

(Whereupon, the subcommittee recessed at 12 o'clock, to reconvene at 2 p.m. of the same day.)

AFTERNOON SESSION—THURSDAY, MARCH 12, 1959

(Subcommittee members present: Representatives Willis and Tuck.)

Mr. WILLIS. The subcommittee will please come to order.

Counsel, call your first witness.

Mr. ARENS. Mrs. Anna Devunich, please come forward and remain standing while the chairman administers an oath.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. DEVUNICH. I do.

**TESTIMONY OF ANNA DEVUNICH, ACCOMPANIED BY COUNSEL,
HYMEN SCHLESINGER—Resumed**

Mr. ARENS. Mrs. Devunich, you have been previously sworn on this record and have testified to the effect that you did not have counsel this morning. I was advised just a few minutes ago that you expressed yourself to a member of this staff that you now have counsel and are ready to proceed.

Mrs. DEVUNICH. Yes. With your permission may I give you a report on this, a slight report?

Mr. ARENS. Do you have counsel?

Mrs. DEVUNICH. Yes, we have counsel.

Mr. ARENS. Would counsel for Mrs. Devunich please come forward?

So that the record may not be confusing at this time, would it be agreeable with you if we start all over again?

Could you kindly identify yourself now by name, residence, and occupation?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. My name is Anna Devunich.

Mr. ARENS. Would it be convenient for you to raise your voice a little bit, please?

Mrs. DEVUNICH. My name is Anna Devunich. I live at 221 Columbia Avenue, Pittsburgh 29, Pa.

Mr. ARENS. Your occupation, please?

Mrs. DEVUNICH. And my occupation is housewife.

Mr. ARENS. You are appearing today, Mrs. Devunich, in response to a subpoena which has been served upon you?

Mrs. DEVUNICH. That is right.

Mr. ARENS. And you are now represented by counsel?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I would like to make a statement on that.

Mr. ARENS. Are you represented by counsel?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I am represented by counsel.

Mr. ARENS. Now, Counsel, will you kindly identify yourself on this record?

Mrs. DEVUNICH. I am represented by counsel because I was unable to secure another attorney.

Mr. WILLIS. All right; now, Counsel, will you identify yourself, please?

Mrs. DEVUNICH. I did identify myself.

Mr. WILLIS. I am talking about your lawyer.

Mr. SCHLESINGER. Hymen Schlesinger, Pittsburgh, Pa.

Mr. WILLIS. Proceed.

Mr. ARENS. Where were you born?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I was born in Croatia, at that time known as Austria-Hungary.

Mr. ARENS. When did you come to the United States for permanent residence?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. For identification purposes I came into the United States of America in the year 1927.

Mr. ARENS. Are you a citizen of the United States?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. For identification purposes, I am a citizen of this great Nation.

Mr. ARENS. Are you a citizen by naturalization?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. For purposes of identification, yes.

Mr. ARENS. Where and when were you naturalized?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I will answer this question if this line of questioning will not be pursued.

Mr. ARENS. This committee will not make any deals. We will ask all questions that are germane to the subject under inquiry pursuant to the duty that is imposed on this committee.

Mrs. DEVUNICH. Because according to the Walter-McCarran Act, my answer may be detrimental although the charges for denaturalization have been dropped, they may be renewed. Therefore, I am not in a position to answer these questions any further.

Mr. ARENS. Have you in the course of the last 10 years—

Mr. WILLIS. Now, she didn't specifically—

Mr. ARENS. She did not invoke the constitutional privileges.

Mr. WILLIS. Right.

Mr. ARENS. I therefore, Mr. Chairman, respectfully suggest you order the witness to answer the last outstanding principal question.

Mr. WILLIS. Yes. I direct you to answer the question.

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Since the Bill of Rights gives me protection, I now invoke the first and the fifth amendments to the Constitution of the United States.

Mr. ARENS. In the course of the last 10 years have you traveled abroad?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I wish to invoke the first and the fifth amendment to the Constitution.

Mr. ARENS. Do you honestly apprehend if you told this committee whether or not, in the course of the last several years, you have traveled abroad, you would be supplying information that might be used against you in a criminal proceeding?

Would you please answer the question?

Mrs. DEVUNICH. I am sorry. I have forgotten what the question was.

Mr. ARENS. Do you honestly feel that if you told this committee whether or not you have traveled abroad in the course of the last several years, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I am very sorry. Anything I would say might be used. Therefore, I invoke the first and the fifth amendment.

Mr. ARENS. I lay before you now, if you please, a photostatic reproduction of a passport application, bearing the signature of Anna Devunich, applying for a passport to go to Yugoslavia, according to this form, to visit relatives in Yugoslavia. The date of this passport application is February 27, 1946. Kindly look at that document

which I now display to you and tell this committee, while you are under oath, whether or not that is a true and correct reproduction of the passport application filed by you with the Department of State, in which you allege that you wish a United States passport at that time for the purpose of going to Yugoslavia to visit relatives.

(The witness conferred with her counsel.)

Mr. WILLIS. What is the date of that?

Mr. ARENS. 1946.

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Without recognizing or denying, the Supreme Court of the United States said that everybody has a right to travel; and, as I see by the papers that Americans are going all over the world everywhere, therefore I claim the first and the fifth amendment to the Constitution.

(Document marked "Anna Devunich Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully, while you are under oath, whether or not the document which is now before you is a true and correct reproduction of a passport application filed by yourself with the Department of State in which you solicited a passport on the pretense that you were to go to Yugoslavia to visit relatives, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I am sorry, but any statement I would make may be misused. Therefore, I claim the first and the fifth amendment to the Constitution.

Mr. ARENS. Did you, pursuant to a passport application, receive a United States passport which would have permitted you to go on a trip to Yugoslavia?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Sir, the Supreme Court has said everyone has a right to a passport. Therefore, I claim the protection of the first and fifth amendment to the Constitution.

Mr. ARENS. Did you go to Yugoslavia to visit relatives?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Same answer.

Mr. ARENS. Did you receive a passport?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Same answer.

Mr. ARENS. Now I lay before you a thermofax reproduction of an article appearing in the Communist Daily Worker in 1948, "Delegates Back From World's Women's Congress," in which it tells of a world women's congress held at Budapest, Hungary, and lists a number of persons who participated in that, including one "Ann Devunic," Pittsburgh, Pa.

Kindly look at this article which I shall now display to you, and tell this committee, while you are under oath, whether or not the facts recited in that article are substantially true and correct respecting your participation in a women's congress in Budapest, Hungary.

(The witness conferred with her counsel.)

Mr. ARENS. According to the article, too, may I add for the record, it was under the auspices of a group known as the Congress of Ameri-

can Women, which has been found by the agencies of this Government to be controlled by the Communist conspiracy. And, if the chairman please, may the article be made a part of the record.

Would you now kindly answer the question.

Mrs. DEVUNICH. Sir, this is so hard to read.

Mr. SCHLESINGER. Mr. Counsel and Mr. Chairman, it is impossible to read this, and I will ask the counsel to read it to us.

Mr. ARENS. I will read that which I can perceive here under the light.

DELEGATES BACK FROM WORLD'S WOMEN'S CONGRESS

Women delegates from the American Slav Congress who went to the Second Congress of the Women's International Democratic Federation in Budapest, Hungary, have just returned to the United States on the *Queen Elizabeth*.

The American delegate—I am a little reluctant in this particular proceeding to mention names other than the name of the witness who is now being interrogated, Mr. Chairman.

Mr. WILLIS. Do not name them.

Mr. ARENS. Mentioned here are a number of women, including "Ann Devunic of Pittsburgh," who according to this document—

gave reports of their journey through Europe, the deliberations of the Congress, and the work for peace which was accomplished on their mission.

In an interview at the ASC National Office yesterday Ann Devunic expressed great hope that the resolutions passed by this women's convention of over 400 delegates from every part of the world would be carried through in the respective countries.

That is what I have just now read from the article.

(Document handed to witness.)

Mr. ARENS. And the outstanding principal question is, Are the facts recited in that article substantially correct to the best of your knowledge and belief?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Sir, I would not know because I did not write this article myself.

(Document marked "Anna Devunich Exhibit No. 2" and retained in committee files.)

Mr. ARENS. Then kindly tell us whether or not you went to Budapest, Hungary, to participate and did participate in this women's congress?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Sir, American citizens under the first amendment have a right to free association and so forth, and therefore I claim the first and the fifth amendment.

Mr. ARENS. Did you misrepresent to the State Department when you told them that you anticipated going to Yugoslavia to visit some relatives when you filed your passport application?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Sir, were they giving out passports to Yugoslavia at that time?

Mr. ARENS. Just please answer the question.

Did you at the time you filed your application for a United States passport—in which application you, as the reproduction evidences, indicated that you wanted to go to Yugoslavia—did you at that time intend, instead of going to Yugoslavia, to go to Hungary to partici-

pate in this international conference under the auspices of the Communist conspiracy?

(The witness conferred with her counsel.)

MR. SCHLESINGER. Mr. Arens, could we see the passport application again?

(Document handed to counsel.)

MR. SCHLESINGER. Thank you.

(The witness conferred with her counsel.)

MRS. DEVUNICH. Sir, doesn't the passport say that it is not valid for Yugoslavia? Do you have a copy so that I could see it?

MR. ARENS. Let us just make the record clear. Which passport are you talking about?

MRS. DEVUNICH. The one that you are talking about.

MR. ARENS. Is that the one that was issued to you as a then United States citizen for the purpose of travel?

(The witness conferred with her counsel.)

MRS. DEVUNICH. Well, what was the question now?

MR. ARENS. You were asking a question, and I just gave a response to you. The thing I want to know, so we are not quibbling, is this:

At the time you signed this passport application—according to the document itself, the following appears: "I intend to visit the following countries for the purposes indicated." Answer, "Yugoslavia, Visit relatives."

Did you sign that passport application and did you make those representations in that passport application which I have displayed to you?

(The witness conferred with her counsel.)

MRS. DEVUNICH. Sir, I have answered your question, your original question, and I will answer it again.

The Supreme Court of the United States has said that everyone is entitled to a passport and, therefore, I cannot answer your question about the passport on the claim of the first and the fifth amendment.

MR. ARENS. The Supreme Court has never said that a person is entitled to procure a passport by fraud. Did you, at the time you filed this application for a passport and told the State Department with an affidavit over your signature under oath that you intended to go to Yugoslavia to visit relatives, did you at that time intend to use this passport for the purpose of gaining admission into Hungary to attend a conference under the auspices of the Communist conspiracy?

(The witness conferred with her counsel.)

MR. SCHLESINGER. May we see that application again?

(Document handed.)

(The witness conferred with her counsel.)

MRS. DEVUNICH. Sir, I think in view of, because some of these things are not clear to me, the best thing for me to do is to claim the first and fifth amendment to the Constitution.

MR. ARENS. Have you been the executive secretary of the National Council of Croatian Women?

(The witness conferred with her counsel.)

MRS. DEVUNICH. Sir, under the Constitution we have the freedom of assembly. So I claim the first and fifth amendments.

MR. ARENS. We display to you now, if you please, a thermofax copy of an article appearing in the Pittsburgh Press with respect to a

gathering of a Slav Congress in which the following appears: "Mrs. Anna Devunich of 221 Columbia Avenue, West View, executive secretary of the National Council of Croatian Women" and so forth. This will now be displayed to you by Mr. Williams.

Kindly look at that article and tell this committee, while you are under oath, whether or not the characterization of yourself in that status with that organization is true and correct.

(Document handed to witness.)

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I claim the first and fifth amendments.

(Document marked "Anna Devunich Exhibit No. 3" and retained in committee files.)

Mr. ARENS. I should like to explain to you the background pertinency and relevancy of certain questions which I intend to propound to you.

It is the information of this committee, taken from the records of the Immigration and Naturalization Service, that on September 20, 1943, you filed a petition to become a citizen of the United States; that on February 4, 1944, you took an oath and were admitted to citizenship. In that oath you swore to defend and protect the Constitution and you swore that you were not a member of an organization dedicated to the overthrow of this Government by force and violence.

It is further the information of this committee that on May 5, 1954, a complaint was filed in the United States District Court here in Pittsburgh to revoke your citizenship on the ground that, in truth and in fact, notwithstanding your oath, you were at the time of the filing of your petition, and have been since approximately 1930, a member of the Communist Party.

That thereafter your case was dismissed, and because of certain judicial opinions in other cases respecting the type and nature of proof which is required in a denaturalization case, it was not reinstated.

I should like now—and I would like to invite your attention specifically to the language which I am going to use to ask you this question. I have two questions.

At the time you filed your petition to become a citizen of the United States were you a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. I am sorry. I must claim the first and the fifth amendments to the Constitution.

Mr. ARENS. This is the second question: At the time that you filed your petition to become a citizen of the United States as well as at the time you took your oath when you did become a citizen of the United States, did you know that the Communist Party advocated the overthrow of the Government of the United States by force and violence?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Upon the advice of counsel, I now invoke the first and the fifth amendment to the Constitution.

Mr. ARENS. Since the dismissal of the denaturalization petition against you on April 15, 1958, have you been engaged in Communist Party activities?

(The witness conferred with her counsel.)

Mr. ARENS. As a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Same answer.

Mr. ARENS. Mary Golden took an oath before this committee 2 days ago and stated that while she was an undercover agent in the Communist Party for the Federal Bureau of Investigation, she knew you as a Communist and that you recruited her into the Communist Party. Was her testimony on that score true or was it in error?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Sir, in reference to the question I wish to say let her conscience be her pride, and upon the advice of counsel I do here now invoke the first and the fifth amendments to the Constitution.

Mr. ARENS. She stated further under oath that as recently as some 10 days ago—a week or 10 days ago—you and a number of other Communists met in an office here in Washington for the purpose of planning strategy and tactics against this committee and for the purpose of soliciting funds, advertisements, and organizations to create a hostile sentiment to the work of this committee, and she enumerated some of the activities of yourself in that regard as recently as 10 days ago. Was she in error on that or was she accurate in her testimony?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Sir, I listened very carefully to your question and I think you said here in Washington, is that so?

Mr. ARENS. Here in Pittsburgh.

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Sir, I say again let her conscience be her pride. I invoke the first and the fifth amendments to the Constitution.

Mr. ARENS. Was this meeting which Mrs. Golden was describing a Communist Party functional activity meeting or was it a meeting for some other purpose?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Same answer.

Mr. ARENS. Are you now, this moment, a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. DEVUNICH. Sir, I wish to use the first, the protection of the first and fifth amendments to the Constitution.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, if you please, sir, will be Mr. Devunich.

Would you kindly come forward and remain standing while the chairman administers an oath?

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEVUNICH. I do.

**TESTIMONY OF STEPHEN DEVUNICH, ACCOMPANIED BY COUNSEL,
HYMEN SCHLESINGER—Resumed**

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. DEVUNICH. My name is Stephen Devunich. My occupation is machinist and the address 221 Columbia Avenue, Pittsburgh 29.

Mr. ARENS. You are appearing today in response to the subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. DEVUNICH. I beg your pardon?

Mr. ARENS. You are appearing today in response to a subpoena of this committee?

Mr. DEVUNICH. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. DEVUNICH. Yes, sir.

Mr. ARENS. Counsel, would you kindly identify yourself on this record?

Mr. SCHLESINGER. Hymen Schlesinger, Pittsburgh, Pa.

Mr. ARENS. What other name or names have you been known by other than the name pursuant to which you appear here today, Devunich?

(The witness conferred with his counsel.)

Mr. DEVUNICH. I claim the first and fifth amendment.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee truthfully, while you are under oath, any other names under which you have been known, you would be supplying information that might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. DEVUNICH. It might be used as a link in a chain by this committee.

Mr. ARENS. Where and when were you born?

(The witness conferred with his counsel.)

Mr. DEVUNICH. For the purpose of identification, I was born in Croatia, town capital of Croatia, presently Yugoslavia.

Mr. ARENS. When, please, sir?

(The witness conferred with his counsel.)

Mr. DEVUNICH. I was born—for identification, I was born December 13, 1899.

Mr. ARENS. When did you come to the United States for permanent residence?

Mr. DEVUNICH. For identification, I came to this country, I believe it was May, '27, from Canada.

Mr. ARENS. In what year?

Mr. DEVUNICH. In '27, I believe.

Mr. ARENS. 1927?

Mr. DEVUNICH. 1927.

Mr. ARENS. Are you a citizen of the United States?

(The witness conferred with his counsel.)

Mr. DEVUNICH. For identification of this committee, I am proud to be a citizen of this great Nation.

Mr. ARENS. When did you become a citizen of the United States?

(The witness conferred with his counsel.)

Mr. DEVUNICH. I am sorry. I think I cannot answer this question. It might injure me.

Mr. ARENS. Are you a citizen by naturalization?

(The witness conferred with his counsel.)

Mr. DEVUNICH. For identification, yes.

Mr. ARENS. Have you traveled abroad in the course of the last several years—last 15 years, we will say?

(The witness conferred with his counsel.)

Mr. DEVUNICH. Sorry. I will plead the first and fifth amendment to that question.

Mr. ARENS. We will display to you now, if you please, sir, a passport application filed with the Department of State subscribed and sworn to under date of February 27, 1946, in which the applicant, Stephen Devunich, asserts under oath to the Department of State in his application for a passport, "I intend to visit the following countries for the purposes indicated: Yugoslavia, To visit relatives."

Kindly look at this document which I shall now display to you and tell this committee, while you are under oath, whether or not that is a true and correct reproduction of the application you filed with the Department of State for a United States passport.

(The witness conferred with his counsel.)

Mr. DEVUNICH. I must claim the first and fifth amendment on advice of counsel.

(Document marked "Stephen Devunich Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Do you honestly apprehend, sir, if you told this committee truthfully, while you are under oath, whether or not that is a true and correct reproduction of an application filed by you with the Department of State for a passport, you would be supplying information that might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. DEVUNICH. It could be misused.

Mr. ARENS. Would it be a misuse?

Mr. DEVUNICH. And that is why I use the first and fifth amendment.

Mr. ARENS. You said it would be a misuse. Did you make a misrepresentation in your passport application to the Department of State?

(The witness conferred with his counsel.)

Mr. DEVUNICH. On advice of counsel I plead the first and fifth amendment.

Mr. ARENS. Did you receive a United States passport pursuant to this application which you filed?

(The witness conferred with his counsel.)

Mr. DEVUNICH. Same answer.

Mr. ARENS. Did you travel abroad on the United States passport?

(The witness conferred with his counsel.)

Mr. DEVUNICH. Same answer.

Mr. ARENS. Did you go to Yugoslavia?

(The witness conferred with his counsel.)

Mr. DEVUNICH. Same answer.

Mr. ARENS. Was your mission abroad pursuant to an objective program and plan of the international Communist conspiracy?

(The witness conferred with his counsel.)

Mr. DEVUNICH. Every citizen has his right to travel. And I plead the first and fifth amendment.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee truthfully, while you are under oath, whether or not you traveled abroad on a plan and purpose of international Communist conspiracy, you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. DEVUNICH. I will say it would be misuse by this committee. That is why I plead first and fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest then the witness be ordered to answer that question.

Mr. WILLIS. I direct you to answer the question.

(The witness conferred with his counsel.)

Mr. DEVUNICH. It could be a link in the chain. That is why I plead the first and fifth amendment.

Mr. ARENS. Now, sir, at the time you took your oath as a citizen of the United States, when you were naturalized, were you a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. DEVUNICH. I claim the first and fifth amendment.

Mr. ARENS. Now, I should like to recite to you background explanation of the pertinency and relevancy of certain questions which I propose to propound to you.

It is the information of this committee that under date of March 25, 1940, you filed a petition for naturalization in the United States District Court at Pittsburgh, Pa. That on March 23, 1942, you were admitted to citizenship and took an oath to defend the Constitution of the United States against all enemies foreign and domestic and that you were not then, or never had been, a member of an organization dedicated to the overthrow of the Government of the United States by force and violence.

It is further the information of this committee that on May 5, 1954, a complaint was filed in the United States District Court in Pittsburgh, Pa., to revoke your citizenship on the grounds that, in truth and in fact, at the time of filing of the petition and since approximately 1930, you had been a member of the Communist Party.

Thereafter on April 15, 1958, this complaint was dismissed, and in light of certain decisions which had been announced in other cases by the Supreme Court of the United States respecting the nature and burden of proof required in the presentation of denaturalization cases, it was not reinstituted.

It is the information of this committee that your case is typical of numerous cases wherein persons have been identified by live, competent, credible witnesses under oath as Communists at the time of their naturalization, as well as Communists since their naturalization and before their naturalization, but the cases have been dismissed because of the legal difficulties stemming from certain judicial opinions.

It is the intention of this committee to undertake to solicit from you by certain questions, perhaps to gain information by indirection, which will assist this committee in its legislative endeavors, if it is possible to do so, to devise legislation which can tighten up and meet the problem of Communists who have penetrated the defenses of this Nation and who have masqueraded behind the facade of their citizenship to perpetrate Communist objectives and Communist designs.

Now, sir, with that explanation in mind, I ask you, at the time you filed your petition to become a citizen of the United States and at the time you took your oath as a citizen of the United States, did you know that the Communist Party advocated the overthrow of the Government of the United States by force and violence?

(The witness conferred with his counsel.)

MR. DEVUNICH. Believing that anything I will say before this committee will be used against me, I plead the first and fifth amendments.

MR. ARENS. Do you honestly apprehend, sir, if you told this committee truthfully, while you are under oath, whether or not you knew at the time you filed your petition for naturalization and at the time you took your oath as a citizen, that the Communist Party advocated the overthrow of the United States by force and violence, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

MR. DEVUNICH. On advice of counsel I plead the first and the fifth amendment.

MR. ARENS. Since the dismissal of the complaint against you, the denaturalization proceedings, on April 15, 1958, have you engaged as a member of the Communist Party in Communist Party activities?

(The witness conferred with his counsel.)

MR. DEVUNICH. Without admitting or denying, I believe everybody and anyone has the right to associate and that is why I plead the first and fifth amendment.

MR. ARENS. Just 2 days ago a lady who had served for 12 years in the Communist apparatus as a member of the Communist Party at the behest of the Federal Bureau of Investigation testified respecting a meeting held in a certain office last Saturday which has been misconstrued in certain quarters, a meeting in which she said you were a participant, a meeting in which Communists assembled to work out strategy and tactics in dealing with this particular committee before which you appear now; and she told in her testimony about contributions which were made to buy advertisements for the Emergency Civil Liberties Committee, advertisements for an Independent Voters League, and the like, and other strategy and tactics and orders and directives that were issued to the comrades in furtherance of the program of the Communist conspiracy in this community. In each and every instance in the meeting, she told the names of persons known by her to be comrades, including your own. That lady's name was Mary Golden. Was she in error in her statements respecting you or was she accurate?

(The witness conferred with his counsel.)

Mr. DEVUNICH. On advice of my counsel I plead the first, fifth, and sixth amendments.

Mr. ARENS. This Committee on Un-American Activities is presently engaged, as it has been through the years, in developing factual information which can be used in creating legislative devices to cope with this Communist conspiracy which is threatening freedom everywhere and which is threatening freedom in the United States, a conspiracy designed to overthrow the Government of the United States by force and violence.

Do you, sir, as a citizen of the United States, bearing the protection of the flag of this country, presently have information respecting the current operations of the Communist Party in the Pittsburgh area?

(The witness conferred with his counsel.)

Mr. DEVUNICH. My devotion to the country and the flag is higher than anybody and that is why I plead the first and fifth amendment.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully right now, while you are under oath, whether or not you have current information respecting the operation of the Communist Party in the Pittsburgh area, you would be supplying information that could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. DEVUNICH. It could be misused in a link of chain.

Mr. ARENS. Would it be a misuse, sir?

Mr. DEVUNICH. And I am not finish yet, and that is why I plead the first and fifth amendment.

Mr. ARENS. Mr. Chairman——

Mr. WILLIS. I direct you to answer it.

(The witness conferred with his counsel.)

Mr. DEVUNICH. I didn't understand the question.

Mr. WILLIS. You conclude that would be a misuse. I will reject that. You can't pussyfoot on that important question. I direct you to answer it or invoke proper constitutional grounds.

(The witness conferred with his counsel.)

Mr. DEVUNICH. I claim first and fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness and if it meets with the pleasure of the chairman, I would like to request a 5-minute recess.

Mr. WILLIS. The committee will take an informal recess of a few minutes.

(Subcommittee members present: Representatives Willis and Tuck.)

(Brief recess.)

(Subcommittee members present at the time of the reconvening of the subcommittee: Representatives Willis and Tuck.)

Mr. WILLIS. The subcommittee will please come to order. Call your next witness.

Mr. ARENS. Steve Nelson, please come forward.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NELSON. I do.

**TESTIMONY OF STEVE NELSON, ACCOMPANIED BY COUNSEL,
HYMEN SCHLESINGER**

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. NELSON. I notice that Mr. Schlesinger is not in the room. I would appreciate if you wait long enough until he is in. He is my counsel.

Mr. ARENS. Mr. Marshal, would you kindly——

The MARSHAL. Yes, sir; he is looking for him out in the hall now.

Mr. ARENS. Now, would you please identify yourself by name, residence, and occupation?

Mr. NELSON. My name is Steve Nelson. I live at 3120 Iowa Street, Pittsburgh, Pa.

Mr. ARENS. Your occupation, please?

Mr. NELSON. My occupation is salesman.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. NELSON. That is right.

Mr. ARENS. And you are represented by counsel?

Mr. NELSON. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. SCHLESINGER. Hymen Schlesinger, Pittsburgh, Pa.

Mr. ARENS. Have you ever been known by any name other than the name pursuant to which you appear here today?

(The witness conferred with his counsel.)

Mr. NELSON. Because this matter that is here before the committee today may become a problem in possible future litigation, where this matter, my name, may become a subject of discussion or a problem, I cannot answer the question other than to plead the fifth amendment and the first amendment.

Mr. ARENS. Where and when were you born?

(The witness conferred with his counsel.)

Mr. NELSON. I think because I am not unfamiliar with the possible results of what can happen before this committee, in view of the fact that I have had a number of litigations, trials, and so forth, and including a possible threat again of a denaturalization proceeding, I cannot answer that question other than to plead the fifth amendment and the first amendment.

Mr. ARENS. Are you a citizen of the United States?

(The witness conferred with his counsel.)

Mr. NELSON. For identification purposes, yes, sir.

Mr. ARENS. By naturalization?

(The witness conferred with his counsel.)

Mr. NELSON. For identification purposes, yes, sir.

Mr. ARENS. When were your naturalized?

(The witness conferred with his counsel.)

Mr. NELSON. Since it appears to me that this matter would be pertinent in whatever—should there be any proceedings against me, I must plead the fifth amendment again and the first amendment and not answer it any other way.

Mr. ARENS. At the time you filed your petition for naturalization and at the time you took your oath as a citizen of the United States,

did you know that the Communist Party advocated the overthrow of the Government of the United States by force and violence?

(The witness conferred with his counsel.)

Mr. NELSON. On advice of counsel I claim the first and fifth amendment.

Mr. ARENS. Were you at the time you filed your petition to become a citizen of the United States, as well as at the time you took your oath as a citizen of the United States, a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. NELSON. On the advice of counsel I plead the first and fifth amendment.

Mr. ARENS. Now, as a basis upon which I expect to ask just a few more questions, I should like to recite, so the record may be clear as to the pertinency and relevancy of those questions, the record taken from the files of the Immigration and Naturalization Service pertaining to yourself; namely, that you were born in Chaglich, Croatia, now part of Yugoslavia in 1903; that you entered the United States of America on June 14, 1920; that thereafter you filed a declaration of intention on January 15, 1924, to become a citizen; that your petition was filed May 17, 1928; that thereafter your certificate of naturalization was issued on November 26, 1928. Thereafter on April 28, 1954, a complaint was filed for revocation of your citizenship in the United States District Court at Pittsburgh, Pa., based upon illegal procurement of naturalization by willful misrepresentation and concealment of material facts. Thereafter on April 15, 1958, the case was dismissed, and because of certain decisions which had been announced in other cases by the Supreme Court of the United States, the complaint against yourself was not reinstituted.

Since the dismissal of the complaint against yourself in the denaturalization proceedings by the Immigration and Naturalization Service, have you engaged in Communist Party activities?

(The witness conferred with his counsel.)

Mr. NELSON. Gentlemen, I think you know, members of this committee—I know that I have been tried under the Smith Act and the Sedition Act; and having had a sentence of 25 years imposed on me on the basis of questions, the type of questions you are quoting here to me, and in view of the fact that the Supreme Court threw out that case, it seems to me that the reason for the inquiry here into my personal status and other people here is to hit back at the Supreme Court. It is clearly evident from the chairman's statement this morning, it seems to me, that that is the pertinency of your presence here and none other than that. It is a matter of attempting to persecute people who are likely to be framed, as I have been; and people who testified against me, scores of them, have been exposed as liars and stool pigeons who wouldn't dare to bring themselves into this court today. I can name nine of them here for you, who testified against me and other people, and now you expect me to testify against myself. I cannot do it and honor your answer, Mr. Arens, other than to say that I claim the fifth and first amendment which gives me protection under these circumstances, not because I have done anything wrong in my life.

Mr. ARENS. Mr. and Mrs. Hamp Golden testified just 2 days ago they were serving as undercover agents in the conspiratorial apparatus

known as the Communist Party and that they knew you as a Communist in the course of the last year or so. Were they in error on that testimony or was that accurate?

(The witness conferred with his counsel.)

Mr. NELSON. I have, Your Honor, gentlemen here, faced, I don't know whether I should say bigger or smaller stool pigeons in my time, and I have never dignified her answer because they testified the way the boss pays them. Whoever pays them last, that is the way they are going to testify. And they intend to do the same thing here. If you want me to, I will cite these names to you. Who this committee had before.

Mr. ARENS. Kindly answer the question. Were they in error or telling the truth when they identified you as a person known by them to be a Communist?

Mr. NELSON. You know, Mr. Arens, I would be a big fool if I answered that question to walk into a trap set here by you. Therefore, I claim the fifth and first amendment, and that is as far as I go dignifying any stool pigeon testimony.

Mr. ARENS. Just one final observation and question.

It is the objective, and has been the objective, of the committee in the proceedings here in Pittsburgh, as well as elsewhere, to explore factual situations to reveal whether or not there are weaknesses or loopholes in existing laws of this Nation to protect the internal security of this country. This committee has received testimony in the course of this last 2 or 3 days respecting what appear to be loopholes in our security in industrial matters, what appear to be new techniques of the Communist apparatus. It has received testimony here today with respect to a number of cases which are typical of individuals who have been repeatedly found to be members of the Communist Party but against whom this Government appears to be powerless, at the present time under the present law, to proceed in causing their removal from these shores or causing them to be deprived of the mask of citizenship.

Do you, sir, now, at this moment, have information respecting current activities, strategies, and tactics of the Communist Party in the Pittsburgh area?

(The witness conferred with his counsel.)

Mr. NELSON. Gentlemen, I think I appeared before this committee before any of you were members of it. I appeared before this committee in 1948 when Nixon was chairman of the committee and Parnell Thomas was chairman of the committee.

Mr. ARENS. Kindly answer the question.

Mr. NELSON. I will, Mr. Arens. I will.

Mr. ARENS. Please answer it directly. Do you have such information or do you not have such information?

Mr. NELSON. The point I want to make, Mr. Arens, is that as a result of that testimony, people like you cited me for contempt of Congress and I had to go through an expensive litigation which was finally thrown out by a court of law, and I suspect the motives of your presence here today again that are similar as the committee under Parnell Thomas and Dies and Nixon, and I will not furnish any information to you to persecute other people who are disagreeing with you. For example, Mr. Willis will say anybody that advocates equality in schools

in the South is a Communist, perhaps. Or he will say that anybody advocating labor rights, and so forth.

Mr. WILLIS. You are going entirely too far. Don't be impertinent.

Mr. NELSON. I don't want to be personal, Mr. Willis.

Mr. WILLIS. But you are indulging in something obviously not true now. Please——

Mr. NELSON. Mr. Willis——

Mr. WILLIS. Will you please answer the question?

Mr. NELSON. I was going to illustrate as a point that is very familiar in our country.

Mr. WILLIS. If that last illustration is as true as all the tirades and all the other illustrations you have given, you, I am sure, are perfectly unimpressive. So will you answer the question? There is one outstanding question and I think you have answered it, that you do not care to supply information; is that it?

Mr. NELSON. Well, I do not feel that the committee is going after pertinent information. They are going out to persecute people.

Mr. WILLIS. Your answer is that you do not care to give any information?

Mr. NELSON. I will give you the answer.

Mr. WILLIS. I think you have given an answer.

Mr. NELSON. Mr. Chairman, then I will conclude by using the first and fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

(Witness excused.)

Mr. WILLIS. The Chair would like to make a closing statement.

In concluding the hearings in Pittsburgh, I should like to summarize some of the highlights of this particular investigation.

As I announced at the opening of these proceedings, the hearings were of three phases. On the first phase, namely, current strategy and tactics of Communists in activities other than in vital industry, we have heard from the lips of Mr. and Mrs. Golden an account of current Communist activity and techniques. Their statements confirm similar patterns which we have been observing elsewhere in the Nation. We have also received valuable testimony from Mr. Hardin. By indirection from the lips of uncooperative witnesses, we have also elicited substantial corroboration of information already in the record.

On the second phase of the hearings, namely, problems of security in industrial establishments holding defense contracts, we have not only been able to clarify our record on a number of problems in this connection from the testimony of the gentlemen from the Department of Defense, but have been able to reveal a sampling of activity by hard-core Communists who are in a position to exert direct Communist discipline in this vital industrial area via their positions in organizations, and so on.

Finally, on the third phase of our hearings, we have explored concrete cases of deportation and denaturalization. The information which we have been developing here will be taken back by the subcommittee to be appraised along with other factual material available to the Committee on Un-American Activities in the discharge of its duties under the mandate of the House of Representatives.

There is a collateral result, moreover, from hearings such as those which we have been conducting which I believe will have a salutary and important effect, namely, to bring home to the American people the continuing, menacing threat of communism; that communism is not merely a political and philosophical concept, but that it is a dynamic force of intrigue and subversion.

Before concluding I should like to express the thanks of the subcommittee to Federal Chief Judge Wallace S. Gourley and to Judge Joseph P. Willson who made the facilities of this courtroom available to us.

I should like also to express appreciation to United States Marshal Albert Di Meolo and his deputies for their cooperation. Finally, I should like to express appreciation to the representatives of the press and other media of public information for their courtesy.

This concludes the hearings in the Pittsburgh area at this time.

Governor Tuck, would you care to make any supplemental observation?

Mr. TUCK. I have nothing further to say, Mr. Chairman, except to say I agree fully with everything that you had to say.

Mr. WILLIS. The hearings are concluded.

(Whereupon, at 3:30 p.m., Thursday, March 12, 1959, the hearings were concluded.)

INDEX

INDIVIDUALS

	Page
Cvetic, Matthew-----	474
Devunich, Anna (Mrs. Stephen Devunich)-----	463,
464, 467, 468-470 (testimony), 472, 477, 490-496 (testimony)	
Devunich, Stephen-----	464, 470-472 (testimony), 477, 497-501 (testimony)
Di Meolo, Albert-----	506
Golden, Hamp L-----	464, 503, 505
Golden, Mary (Mrs. Hamp L. Golden)-----	463,
464, 480-481 (testimony), 496, 590, 503, 505	
Gourley, Wallace S-----	506
Hardin, R. J. (Reuben J.)-----	505
Johnson, Allen (<i>See</i> McNeil, James Allan Donald.)	
Kemenovich, Katherine (Mrs. Vincent Kemenovich)-----	462-464,
478-481 (testimony)	
Kemenovich, Vincent-----	462, 473-477 (testimony), 478
McNeil, James Allan Donald (also known as Allen Johnson)-----	463,
487-489 (testimony)	
Nelson, Steve-----	464, 502-505 (testimony)
Rakosi, Alex Roth-----	463, 464, 482-487 (testimony)
Schlesinger, Hymen-----	473, 478, 480, 482, 487, 490, 497, 502
Staber, Alexander-----	480
Willson, Joseph P-----	506

ORGANIZATIONS

American Committee for Protection of Foreign Born-----	465, 466
American Slav Congress-----	466, 493
Communist International-----	465
Communist Party, USA, Nationality Groups Commission-----	466
Congress of American Women-----	492, 493
Independent Voters League-----	480
International Labor Defense-----	465
International Red Aid-----	465
International Workers Order-----	466
National Council of Croatian Women-----	494, 495
Women's International Democratic Federation, Second Congress-----	493

PUBLICATIONS

Daily Worker-----	485
-------------------	-----

BOSTON PUBLIC LIBRARY



3 9999 05706 3131

3132

This book should be returned to
the Library on or before the last date
stamped below.

A fine is incurred by retaining it
beyond the specified time.

Please return promptly.

